

1 JUDICIARY

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3  
4 EXECUTIVE BUDGET BILL  
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6 A bill to make appropriations for the judicial branch for the  
7 fiscal year ending September 30, 2008; to provide for the  
8 expenditure of these appropriations; to place certain restrictions  
9 on the expenditure of these appropriations; to prescribe the powers  
10 and duties of certain officials and employees; to require certain  
11 reports; and to provide for the disposition of fees and other  
12 income received by the judicial branch.

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14 THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

15 PART 1

16 LINE-ITEM APPROPRIATIONS

17 Sec. 101. Subject to the conditions set forth in this bill,  
18 the amounts listed in this part are appropriated for the judicial  
19 branch for the fiscal year ending September 30, 2008, from the  
20 funds indicated in this part. The following is a summary of the  
21 appropriations in this part:

22 JUDICIARY

23 APPROPRIATION SUMMARY:

24 Full-time equated exempted positions .....509.0

25 GROSS APPROPRIATION..... \$ 263,232,200

26 Interdepartmental grant revenues:

27 Total interdepartmental grants and intradepartmental

28 transfers ..... 2,523,500

29 ADJUSTED GROSS APPROPRIATION..... \$ 260,708,700

30 Federal revenues:

31 Total federal revenues..... 4,626,400

32 Special revenue funds:

1	Total local revenues.....	5,409,700
2	Total private revenues.....	842,500
3	Total other state restricted revenues.....	87,892,800
4	State general fund/general purpose..... \$	161,937,300
5	<b>Sec. 102. SUPREME COURT</b>	
6	Full-time equated exempted positions .....235.0	
7	Supreme court administration--97.0 FTE positions..... \$	11,587,500
8	Judicial institute--16.0 FTE positions.....	2,797,700
9	State court administrative office--62.0 FTE positions.	10,641,000
10	Judicial information systems--18.0 FTE positions.....	3,333,400
11	Direct trial court automation support--26.0 FTE	
12	positions .....	5,409,700
13	Foster care review board--12.0 FTE positions.....	1,312,500
14	Community dispute resolution--4.0 FTE positions.....	2,291,600
15	Other federal grants.....	275,000
16	Drug treatment courts.....	<u>4,720,300</u>
17	GROSS APPROPRIATION..... \$	42,368,700
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDG from department of community health.....	1,800,000
21	IDG from department of labor and economic growth.....	0
22	IDG from state police - Michigan justice training fund	300,000
23	Federal revenues:	
24	DOJ, victims assistance programs.....	50,000
25	DOJ, drug court training and evaluation.....	300,000
26	DOT, national highway traffic safety administration...	800,000
27	HHS, access and visitation grant.....	387,000
28	HHS, children's justice grant.....	206,300
29	HHS, court improvement project.....	1,160,000

1	HHS, title IV-D child support program.....	907,700
2	HHS, title IV-E foster care program.....	540,400
3	Other federal grant revenues.....	275,000
4	Special revenue funds:	
5	Local - user fees.....	5,409,700
6	Private.....	169,000
7	Private - interest on lawyers trust accounts.....	232,700
8	Private - state justice institute.....	370,800
9	Community dispute resolution fund.....	2,291,600
10	Law exam fees.....	482,100
11	Drug court fund.....	1,920,500
12	Miscellaneous revenue.....	227,900
13	Justice system fund.....	700,000
14	State court fund.....	339,000
15	State general fund/general purpose.....	\$ 23,499,000
16	<b>Sec. 103. COURT OF APPEALS</b>	
17	Full-time equated exempted positions .....212.0	
18	Court of appeals operations--212.0 FTE positions.....	\$ 20,236,400
19	GROSS APPROPRIATION.....	\$ 20,236,400
20	Appropriated from:	
21	Special revenue funds:	
22	Court filing/motion fees.....	1,958,500
23	Miscellaneous revenue.....	77,800
24	State general fund/general purpose.....	\$ 18,200,100
25	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
26	Full-time equated exempted positions .....4.0	
27	Branchwide appropriations--4.0 FTE positions.....	\$ 7,767,300
28	GROSS APPROPRIATION.....	\$ 7,767,300
29	Appropriated from:	

1	State general fund/general purpose.....	\$	7,767,300
2	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>		
3	Full-time judges positions .....	621.0	
4	Supreme court justices' salaries--7.0 judges.....	\$	1,152,300
5	Court of appeals judges' salaries--28.0 judges.....		4,240,300
6	District court judges' state base salaries--258.0		
7	judges .....		23,877,200
8	District court judicial salary standardization.....		11,796,800
9	Probate court judges' state base salaries--103.0		
10	judges .....		9,627,900
11	Probate court judicial salary standardization.....		4,669,700
12	Circuit court judges' state base salaries--225.0		
13	judges .....		20,817,200
14	Circuit court judicial salary standardization.....		10,105,000
15	Judges' retirement system defined contributions.....		3,359,300
16	OASI, social security.....		<u>5,105,600</u>
17	GROSS APPROPRIATION.....	\$	94,751,300
18	Appropriated from:		
19	Special revenue funds:		
20	Court fee fund.....		7,090,200
21	State general fund/general purpose.....	\$	87,661,100
22	<b>Sec. 106. JUDICIAL AGENCIES</b>		
23	Full-time equated exempted positions .....	8.0	
24	Judicial tenure commission--8.0 FTE positions.....	\$	<u>1,040,200</u>
25	GROSS APPROPRIATION.....	\$	1,040,200
26	Appropriated from:		
27	State general fund/general purpose.....	\$	1,040,200
28	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>		
29	Full-time equated exempted positions .....	50.0	

1	Appellate public defender program--42.0 FTE positions.	\$	5,013,000
2	Appellate assigned counsel administration--8.0 FTE		
3	positions .....		<u>917,000</u>
4	GROSS APPROPRIATION.....	\$	5,930,000
5	Appropriated from:		
6	Interdepartmental grant revenues:		
7	IDG from state police - Michigan justice training fund		423,500
8	Special revenue funds:		
9	Private - interest on lawyers trust accounts.....		70,000
10	Miscellaneous revenue.....		113,100
11	State general fund/general purpose.....	\$	5,323,400
12	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>		
13	Indigent civil legal assistance.....	\$	<u>7,937,000</u>
14	GROSS APPROPRIATION.....	\$	7,937,000
15	Appropriated from:		
16	Special revenue funds:		
17	State court fund.....		7,937,000
18	State general fund/general purpose.....	\$	0
19	<b>Sec. 109. TRIAL COURT OPERATIONS</b>		
20	Court equity fund reimbursements.....	\$	68,886,200
21	Judicial technology improvement.....		<u>4,465,000</u>
22	GROSS APPROPRIATION.....	\$	73,351,200
23	Appropriated from:		
24	Special revenue funds:		
25	Court equity fund.....		50,440,000
26	Judicial technology improvement fund.....		4,465,000
27	State general fund/general purpose.....	\$	18,446,200
28	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>		
29	<b>GOVERNMENT</b>		

1	Drug case-flow program.....	\$	250,000
2	Drunk driving case-flow program.....		3,000,000
3	Juror compensation reimbursement.....		6,600,000
4	Transcript fee reimbursement.....		100
5	GROSS APPROPRIATION.....	\$	9,850,100
6	Appropriated from:		
7	Special revenue funds:		
8	Drug fund.....		250,000
9	Drunk driving fund.....		3,000,000
10	Juror compensation fund.....		6,600,000
11	Transcript fee fund.....		100
12	State general fund/general purpose.....	\$	0

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14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

16 GENERAL SECTIONS

17 Sec. 201. (1) Pursuant to section 30 of article IX of the  
 18 state constitution of 1963, total state spending from state  
 19 resources under part 1 for fiscal year 2007-2008 is \$249,830,100.00  
 20 and state spending from state resources to be paid to local units  
 21 of government for fiscal year 2007-2008 is \$ 125,187,300. The  
 22 itemized statement below identifies appropriations from which  
 23 spending to units of local government will occur:

24 JUDICIARY

25 SUPREME COURT

26	State court administrative office.....	\$	511,900
27	Drug treatment courts.....		4,420,300

28 TRIAL COURT OPERATIONS

29	Court equity fund reimbursements.....	\$	68,886,200
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1	Judicial technology improvement fund.....	4,465,000
2	JUSTICES' AND JUDGES' COMPENSATION	
3	District court judicial salary standardization..... \$	11,796,800
4	Probate court judges' state base salaries.....	9,627,900
5	Probate court judicial salary standardization.....	4,669,700
6	Circuit court judicial salary standardization.....	10,105,000
7	Grant to OASI contribution fund, employers share,	
8	social security .....	854,400
9	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
10	Drunk driving case-flow program..... \$	3,000,000
11	Drug case-flow program.....	250,000
12	Juror compensation reimbursement.....	6,600,000
13	Transcript fee reimbursement.....	<u>100</u>
14	TOTAL..... \$	125,187,300

15       Sec. 202. (1) The appropriations authorized under this bill  
16 are subject to the management and budget act, 1984 PA 431, MCL  
17 18.1101 to 18.1594.

18       (2) Funds appropriated in part 1 to an entity within the  
19 judicial branch shall not be expended or transferred to another  
20 account without written approval of the authorized agent of the  
21 judicial entity. If the authorized agent of the judicial entity  
22 notifies the state budget director of its approval of an  
23 expenditure or transfer, the state budget director shall  
24 immediately make the expenditure or transfer. The authorized  
25 judicial entity agent shall be designated by the chief justice of  
26 the supreme court.

27       Sec. 203. As used in this bill:

28       (a) "DOJ" means the United States department of justice.

1 (b) "DOT" means the United States department of  
2 transportation.

3 (c) "FTE" means full-time equated.

4 (d) "HHS" means the United States department of health and  
5 human services.

6 (e) "IDG" means interdepartmental grant.

7 (f) "OASI" means old age survivor's insurance.

8 Sec. 208. The reporting requirements of this bill shall be  
9 completed with the approval of, and at the direction of, the  
10 supreme court. Unless otherwise specified, the judicial branch  
11 shall use the Internet to fulfill the reporting requirements of  
12 this bill. This requirement may include transmission of reports via  
13 electronic mail to the recipients identified for each reporting  
14 requirement, or it may include placement of reports on an Internet  
15 or Intranet site.

16 Sec. 214. Funds appropriated in part 1 shall not be used for  
17 the purchase of foreign goods or services, or both, if  
18 competitively priced and comparable quality American goods or  
19 services, or both, are available. Preference should be given to  
20 goods or services, or both, manufactured or provided by Michigan  
21 businesses if they are competitively priced and of comparable  
22 quality.

23 Sec. 215. (1) Due to the current budgetary problems in this  
24 state, out-of-state travel shall be limited to situations in which  
25 1 or more of the following conditions apply:

26 (a) The travel is required by legal mandate or court order or  
27 for law enforcement purposes.



1 (b) The travel is necessary to protect the health or safety of  
2 Michigan citizens or visitors or to assist other states in similar  
3 circumstances.

4 (c) The travel is necessary to produce budgetary savings or to  
5 increase state revenues, including protecting existing federal  
6 funds or securing additional federal funds.

7 (d) The travel is necessary to comply with federal  
8 requirements.

9 (e) The travel is necessary to secure specialized training for  
10 staff that is not available within this state.

11 (f) The travel is financed entirely by federal or nonstate  
12 funds.

13 (2) If out-of-state travel is necessary but does not meet 1 or  
14 more of the conditions in subsection (1), the chief justice or his  
15 or her designee may grant an exception to allow the travel. Any  
16 exceptions granted by the chief justice or his or her designee  
17 shall be reported on a monthly basis to the senate and house of  
18 representatives standing committees on appropriations.

19 (3) Not later than January 1 of each year, the state court  
20 administrative office shall prepare a travel report listing all  
21 travel by judicial branch employees outside this state in the  
22 immediately preceding fiscal year that was funded in whole or in  
23 part with funds appropriated in the budget for the judicial branch.  
24 The report shall be submitted to the chairs and members of the  
25 senate and house of representatives standing committees on  
26 appropriations, the fiscal agencies, and the state budget director.  
27 The report shall include the following information:

28 (a) The name of each person receiving reimbursement for travel  
29 outside this state or whose travel costs were paid by this state.

1 (b) The destination of each travel occurrence.

2 (c) The dates of each travel occurrence.

3 (d) A brief statement of the reason for each travel  
4 occurrence.

5 (e) The transportation and related costs of each travel  
6 occurrence, including the proportion funded with state general  
7 fund/general purpose revenues, the proportion funded with state  
8 restricted revenues, the proportion funded with federal revenues,  
9 and the proportion funded with other revenues.

10 (f) A total of all out-of-state travel funded for the  
11 immediately preceding fiscal year.

12  
13 **JUDICIAL BRANCH**

14 Sec. 301. (1) The direct trial court automation support  
15 program of the state court administrative office shall recover  
16 direct and overhead costs from trial courts by charging for  
17 services rendered. The fee shall cover the actual costs incurred to  
18 the direct trial court automation support program in providing the  
19 service, including development of future versions of case  
20 management systems. A report of amounts collected in excess of  
21 funds identified as user service charges in part 1 shall be  
22 submitted to the state budget director and to the house and senate  
23 appropriations subcommittees on judiciary 30 days before  
24 expenditure by the direct trial court automation support program.

25 (2) From funds appropriated in part 1, the direct trial court  
26 automation support program of the state court administrative office  
27 shall provide to the state budget director, the senate and house  
28 appropriations committees, and the senate and house fiscal agencies  
29 before January 1 of each year, a detailed list of user service

1 charges collected during the immediately preceding state fiscal  
2 year.

3 Sec. 302. Funds appropriated within the judicial branch shall  
4 not be expended by any component within the judicial branch without  
5 the approval of the supreme court.

6 Sec. 303. Of the amount appropriated in part 1 for the  
7 judicial branch, \$325,000.00 is allocated for circuit court  
8 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
9 \$186,900.00 is allocated for court of claims reimbursement under  
10 section 6413 of the revised judicature act of 1961, 1961 PA 236,  
11 MCL 600.6413.

12 Sec. 306. The supreme court and the state court administrative  
13 office shall continue to maintain, as a priority, the assisting of  
14 local trial courts in improving the collection of judgments.

15 Sec. 307. From the funds appropriated in part 1 for court of  
16 appeals operations, the judiciary shall use the following revenue  
17 amounts for the purpose of delay reduction:

18 (a) \$225,000.00 of additional filing fee revenue raised from  
19 the increase from \$250.00 to \$375.00 in court of appeals filing  
20 fees under section 321(1)(a) of the revised judicature act of 1961,  
21 1961 PA 236, MCL 600.321.

22 (b) \$87,500.00 of additional fee revenue raised from the  
23 increase in court of appeals motion fees from \$75.00 to \$100.00 and  
24 from the increase from \$150.00 to \$200.00 in fees for motions for  
25 immediate consideration or expedited appeal under section 321(1)(b)  
26 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL  
27 600.321.

28 Sec. 308. If sufficient funds are not available from the court  
29 fee fund to pay judges' compensation, the difference between the

1 appropriated amount from that fund for judges' compensation and the  
2 actual amount available after the amount appropriated for trial  
3 court reimbursement is made shall be appropriated from the state  
4 general fund for judges' compensation.

5       Sec. 310. From the funds appropriated in part 1 for drug  
6 treatment court programs, with the approval of and at the  
7 discretion of the supreme court, the state court administrative  
8 office shall evaluate and collect data on the performance of drug  
9 treatment court programs. The state court administrative office  
10 shall provide an annual review of the performance of drug courts,  
11 1961 PA 236, MCL 600.1078(6). In addition:

12       (a) The annual review required by statute shall include  
13 measures of the impact of drug court programs in changing offender  
14 criminal involvement (recidivism) and substance abuse and in  
15 reducing prison admissions.

16       (b) The review shall be completed no later than April 1 of  
17 each year and shall also be provided to the senate and house  
18 appropriations subcommittees on the judiciary, the senate and house  
19 fiscal agencies, and the state budget director.

20       (c) The evaluation of a program funded with federal Byrne  
21 funds shall be consistent with any requirements contained in the  
22 federal Byrne grant for that program.

23       Sec. 311. (1) The funds appropriated in part 1 for drug  
24 treatment courts shall be administered by the state court  
25 administrative office to operate drug treatment court programs.

26       (2) From the funds appropriated in part 1, the chief justice  
27 shall allocate sufficient funds for the judicial institute to  
28 provide in-state training for those identified in subsection (1),  
29 including training for new drug treatment court judges.

1           (3) The judiciary shall receive \$1,800,000.00 in Byrne formula  
2 grant funding as an interdepartmental grant from the department of  
3 community health to be used for expansion of drug treatment courts,  
4 to assist in avoiding prison bed space growth for nonviolent  
5 offenders in collaboration with the department of corrections.